

## **REMARKS**

The Office Action dated February 10, 2005 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Amendment claims 1, 25, 32, 44, 57, 65-75 and 77 are amended to particularly point out and distinctly claim the subject matter of the invention. Claims 46-55 and 76 are withdrawn from consideration. Claims 42, 56 and 84-88 are cancelled and new claims 89-91 are added. No new matter is added. Support for the new claims is found at least on page 10, line 15 and page 26 lines 22-23 of the specification. Claims 1-41, 43-45, 57-75, 77-83 and 89-91 are respectfully submitted for consideration.

As indicated in the telephone conversation with Douglas Goldhush on November 29, 2004, a provisional election with traverse was made to prosecute the invention of Group I, Claims 1-45, 56-75 and 77-88. The election was made in response to an election of species requirement.

The Office Action rejected claim 44 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action Stated that in claim 44 "or the like" renders the claims indefinite.

It is respectfully submitted that in light of the above-mentioned amendments, claim 44 is definite and particularly points out and distinctly claims the subject matter of

the invention. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112, second paragraph is respectfully requested.

The Office Action objected to claims 32, 56 and 68 because of informalities. It is respectfully submitted that the amendments to claims 32 and 68 obviate this objection. The objection to claims 56 is moot in light of the cancellation of claim 56. Accordingly, withdrawal of the objection of claims 32, 56, and 68 is respectfully requested.

The Office Action rejected claims 1, 2, 4-7, 11, 16-19, 21, 22, 24, 34, 35, 43-45, 57, 58, 60, 66-68, 70, 74, 75, 84, 85 and 87 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,733, 131 to Park (Park). This rejection is respectfully traversed. It is respectfully submitted that the rejection of claims 84, 85 and 87 are moot in light of the cancellation of these claims.

Claim 1, upon which claims 2, 4-7, 11, 16-19, 21, 22, 24, 34, 35 and 43-45 depend, recites a method for presenting a program for a user. The method includes storing information regarding the user's personal interests or preferences in a remote management unit, providing a programmer representation device with a program signal by means of a program signal broadcasting system and presenting the program to the user based on the program signal. Further in the method, in response to a predefined event transporting data between the remote management unit and a user device operable by the user for inputting information while experiencing the program, the transportation occurring over the packet data network and the wireless data communication link between the packet data network and the user device and the data associating with the

program is personalized based on the stored information before being transported to the user device.

Claim 57 recites a system for presenting a program. The system comprises a program representation terminal for representing the program to a user, the broadcasting system for providing the program to a user, a broadcasting system for providing the program to the program representation terminal and a packet data communication network. The system further includes a remote management unit that is connected to the packet data communication network. The remote management unit includes a processor for processing data that associates with the program and a storage unit for storing information regarding the user's personal interests or preferences, the processor being adapted to personalized data that associates with the program based on the information regarding the user's personal interests or preferences. The system further includes a user device operable by the user for inputting information while experiencing the program. The user device being adapted for communication over the packet data network by means of a wireless data communication link between the data communication network and the user device and to present information to the user based on the data that is received via the wireless data communication link from the remote management unit while the user is experiencing the program.

Park discloses and education and entertainment device with dynamic configuration and operation. Further, Park teaches wirelessly downloading personal information such as the user's name to the personal electronic device, storing the personal information in

the personal electronic device and using the information stored in the personal electronic device to modify further received information such as comments directed to the user. Further, Park discloses in column 11, lines 51-59 and Figure 2 how the name of the user is loaded into a data table 60 and stored locally at the user device 12. Further, Park discloses that the user device 12 then incorporates the name into comments directed to the child. It is respectfully submitted that Park fails to disclose or suggest at least the feature of storing information regarding the user's personal interests or preferences in a remote management unit as recited in claim 1 and similarly recited in claim 57. As admitted on paragraph 7 of the Office Action, Park merely discloses storing information such as the particular address of the device.

Further, it is respectfully submitted that Park fails to disclose or suggest at least the feature in response to a predefined event transporting data between the remote management unit and the user device operable by the user for inputting information while experiencing a program, the transportation occurring over a packet data network and a wireless data communication link between the packet data network and the user device and data associating with the program is personalized based on such stored information before being transported to the user device, as recited in claim 1.

In contrast, as discussed above, Park merely discloses that the name of the user is loaded into a data table that is stored locally at the user device 12 and the user device then incorporates the name into comments directed to the child. Claims 1 and 57 recite that the personalization of the information related to the program is performed at the remote

management unit prior to transportation of the data to the user device. Thus, while Park discloses personalization of data locally at the user device and teaches away from personalization of data at the remote management unit prior to data transportation as claimed in the present invention.

Further, the main features of Park disclose altering the configuration or characteristics of personal electronic devices via a remote user interface for the purpose of avoiding the need to provide a user interface on the personal electronic device. See for example the Abstract and column 3, line 51 to column 4, line 9. In fact, in column 3, lines 56-59 Park refers to the incorporation in the user device of a radio receiving device “as a substitute interface mechanism” and at column 3, lines 62-64 refers to avoiding the use of user accessible data entry or control mechanisms on the user device. Thus, Park fails to even suggest all of the features recited in claims 1 and 57 because Park teaches away from the use of a personal interface on the personal electronic device.

It is respectfully submitted that since claims 2, 4-7, 11, 16-19, 21, 22, 24, 34, 35, 33-45 depend from claim 1, these claims are allowable at least for the same reasons as claim 1, and since claims 58, 60, 66-68, 70, 74 and 75 depend from claim 57, these claims are allowable at least for the same reasons as claim 57.

It is respectfully submitted that Park fails to disclose or suggest all of the features recited in the above mentioned claims. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 1, 2, 4-7, 11, 16-19, 21, 22, 24, 34, 35, 43-45, 57, 58, 60, 66-68, 70, 74 and 75 is respectfully requested.

The Office Action rejected claims 8-10, 12-15, 26, 28-31, 36-42, 56, 61-65, 69, 71, 72, 77-79, 82, 83 and 88 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,733,131 to Park. This rejection is respectfully traversed. It is respectfully submitted that the rejection of claims 42, 56 and 88 are moot in light of the cancellation of these claims. It is respectfully submitted that since claims 8-10, 12-15, 26 and 28-31 and 36-41 depend upon claim 1, that these claims are allowable because Park is deficient at least for the same reasons stated above regarding claim 1. Similarly, it is respectfully submitted that since claims 61-65, 69, 71 and 72 depend from claim 57, Park is deficient at least for the same reasons stated above regarding claim 57. Regarding claims 8-10, 12-15 and 61-65 the Office Action took Official Notice that the features recited in these claims are well-known in the art. Applicant respectfully requests that the Examiner provide evidence that these features are well-known in the art in regards to the features recited in claims 1 and 57.

Claim 77, upon which claims 78, 79, 82 and 83 depend, recites a system for presenting television programs. The system includes a television terminal for displaying the television program based on a program signal, a program signal provision system adapted to provide the television terminal with the program signal and a packet daily communication system. The system further includes a management unit connected to the packet switch data communication system, including a database for storing information regarding the personal interest or preferences of a viewer of a television program and a processor adapted to personalized data associated with the television program on the

basis of the stored information regarding the viewer's personal interests or preferences. The system further includes a portable user device adapted to be operable by the viewer for inputting information while viewing the television program. A portable user device comprises a communication module enabling data communication over a wireless interface between the portable user device and the packet data communication system. In the system the portable user device and the management units are adapted to communicate data that associates with the television program over said wireless interface and packet data communication system at the same time when the television program is presented to the viewer based on the program signal provided through the program signal provision system.

The Office Action appears to assert that Park discloses all of the features of claim 77 except the feature of a database for storing information regarding the personal interests or preferences of a viewer. In the Office Action, Official Notice was taken that the use of databases is well known in the art, and therefore would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by implementing a database in order to organize the data of the users, thereby enabling more positive information and efficient processing of information for the users.

Applicants respectfully traverses the Office Notice taken in the Office Action and requests Examiner to provide evidence of the use of databases for storing information regarding the personal interest or preferences of the viewer, in light of all of the features recited in claim 77.

In addition, it is respectfully submitted that Park is deficient at least for the reasons stated above regarding claims 1 and 57. Specifically, column 11, lines 51-59 and Figure 2 of Park illustrate how the name of the user is loaded into a data table 60 stored locally at the user device 12, and that the user device 12 then incorporates the name into comments directed to the child.

In contrast, claim 77 recites that a portable user device adapted to be operable by the viewer for inputting information while viewing the television program. Thus, as stated above, Park teaches towards personalization of data locally at the user device and teaches away from the personalization of data at the remote management unit prior to data transportation. Therefore, even if it would have been obvious to have modified Park so as to use information regarding the user's interests and/or preferences as alleged in the Office Action, the teaching of Park would nevertheless be away from the features recited in claim 77. As discussed above, the main teaching of Park is to alter the configuration or characteristics of personal electronic devices via a remote user interface for the purpose of avoiding the need to provide a user interface on the personal electronics device. See Park Abstract, column 3, line 51 to column, line. 9. In addition, at column 3 lines 56-59, Park refers to the incorporation of the user device as a radio receiving device (as a substitute interface mechanism) and at column 3, line 62-64, Park refers to avoiding the use of user accessible data entry or control mechanisms on the user device. Thus, it is respectfully submitted that Park teaches away from the features recited in claim 77.



It is respectfully submitted that since claims 78, 79, 82 and 83 depend from claim 77, these claims are allowable at least for the same reasons as claim 77.

It is respectfully submitted that Park fails to disclose or suggest all of the features recited in claims 8-10, 12-15, 26, 28-31, 36-41, 61-65, 69, 71, 72, 77-79, 82 and 83. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

The Office Action rejected claims 3, 20, 25, 33 and 73 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,733,131 to Park (Park), in view of U.S. Patent No. 6,415,439 to Randell et al. (Randell). This rejection is respectfully traversed.

It is respectfully submitted that since claim 3, 20, 25 and 33 depend from claim 1, that Park is deficient, at least for the reasons stated above regarding claim 1, and Randell fails to make up for these deficiencies.

Randell is relied upon in the Office Action to disclose transmitting a message back to the management unit from the user device. The Office Action cites Randell at column 7, lines 21-37 and column 11, lines 24-36.

Further, regarding claim 20, Randell is relied upon to disclose a message generated via a sensor at a user device and transporting the message back to the management unit and generating another message to be transported back to the user. The Office Action again cites Randell at column 7, lines 21-37 and column 11, lines 24-36. Further, regarding claim 25, Randall is relied upon to disclose transmitting a message generated at the user device 60 and transporting the message back to the management

unit and generating another message to be transported back to the user. The Office Action again cites column 7, lines 21-37 and column 11, lines 24-36.

As discussed above, Randell fails to make up for the deficiencies of Park. Therefore, it is respectfully submitted that the cited references fail to disclose or suggest all of the features recited in claims 3, 20, 25, 33 and 73. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

The Office Action rejected claims 23, 59 and 86 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,733,131 to Park (Park), in view of U.S. Patent No. 5,855,483 to Collins et al. (Collins). This rejection is respectfully traversed. It is respectfully submitted that the rejection of claim 86 is moot in light the cancellation of claim 86.

It is respectfully submitted that since claims 23 and 59 depend from claims 1 and 57, respectively, Park is deficient at least for the same reasons discussed above regarding claims 1 and 57, and Collins fails to make up for these deficiencies. Collins discloses interactive play with a computer. Collins is relied upon in the Office Action to disclose “a plaything to generate [a] visual message.” The Office Action cites column 4 lines 24-27, column 6, lines 28 and 29.

Regarding claim 59, Collins is relied upon to teach “a plaything to generate [a] visual message” and again cites column 4, lines 24-27 and column 6, lines 28 and 29.

It is respectfully submitted that the cited references fail to disclose or suggest all of the features recited in claims 23 and 59 as discussed above. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

The Office Action rejected claims 27, 32, 80 and 81 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,733,131 to Park (Park), in view of U.S. Patent No. 6,049,333 to LaJoie (LaJoie). This rejection is respectfully traversed.

Regarding claims 27 and 32, it is respectfully submitted that since these claims depend from claim 1, Park is deficient at least for the same reasons discussed above regarding claim 1 and LaJoie fails to make up for these deficiencies. Similarly, it is respectfully submitted that since claims 80 and 81 depend from claim 77, Park is deficient at least for the same reasons discussed above regarding claims 77 and LaJoie fails to make up for these deficiencies.

LaJoie discloses a system and method for providing an event database in a telecasting system. LaJoie is relied upon in the Office Action to disclose transmitting information to the user based on a predefined event associated with a program. The Office Action cites LaJoie at column 4, line 65 to column 5, line 17, and column 8, lines 49-61.

Regarding claim 32, the Office Action states that Official Notice is taken that detection of the predefined audio or visual effect in the program is well known in the art. Applicants respectfully traverses the Official Notice taken in the Office Action and requests the Examiner to provide evidence that the detection of the predefined audio or

visual effect in the program is well known in the art in regards to the features recited in claim 1.

Regarding claim 80, LaJoie is relied upon to disclose transmitting information to the user based on a predefined event associated with a program. The Office Action cites LaJoie at column 4, line 65 to column 5, line 17 and column 8 lines 49-61.

Regarding claim 81, the Office Action took Official Notice that triggering data based on a time code is well known in the art. The Applicant traverses the Official Notice taken in the Office Action and respectfully requests the Examiner to provide evidence that the triggering data based on a time code is well known in the art as it relates to the invention recited in claim 81.

It is respectfully submitted that the cited references fail to disclose or suggest all of the features recited in claims 27, 32, 80 and 81. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

As stated above, new claims 89-91 are added. Support for these claims is found at least on page 10, line 15 and page 26, lines 22-23 of the specification.

It is further submitted that since claims 89-91 depend from claims 1, 57 and 77 respectively, these claims are allowable at least for the reasons stated above regarding claims 1, 57 and 77.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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